SANJIV

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2274 OF 2006

IN

CRIMINAL CASE NO. 215/PW/2005

Mr. Balram Mandiya ... Petitioner

Vs.

The State of Maharashtra ...

Respondent

Mr. Yashodhar Chandulal for the Petitioner.

Ms. M. M. Deshmukh, APP for the State.

CORAM : SMT. RANJANA DESAI, J.

DATED : 18TH DECEMBER, 2006.

P.C. :-

1. In this petition the petitioner has prayed that FIR and the criminal proceedings pending before the 37th Court of Additional Chief Metropolitan Magistrate at Esplanade,

Mumbai be quashed.

2. I have heard the learned counsel for the petitioner. He has strenuously contended that the offences under Section 279, 337 and 304(A) of the Indian Penal Code are not at all made out against the petitioner. He submitted that the incident took place on 21/02/2005. He submitted that the statements of the witnesses show that the deceased was immediately taken to the hospital. The death occurred not because of the accident but because of septicaemia on account of the fact that the deceased did not take the prescribed medicines. He submitted that the witnesses' evidence indicates that the deceased was taken twice to the hospital. She was discharged on the same day as the injuries were not serious. The learned counsel submitted that it is also an admitted position that the deceased was consuming drinks. The son of the deceased has admitted this fact. He submitted that, therefore, the charge could not have been framed against the petitioner. He submitted that the petitioner is a poor labourer. When the charge was

framed he was not represented by the lawyer. He submitted that therefore, this court should quash the proceedings.

3. Since the charge is already framed , it is not possible for this court to interfere with the case. However, in the peculiar facts and circumstances of the case, the 37th Metropolitan Magistrate's Esplanade Court, Mumbai is directed to hear and dispose of case No. 215/PW/2005 pending on its file as expeditiously as possible and at any rate within a period of 1 year from the date of receipt of this order. I have not expressed any opinion on the merits of the case. Petition is disposed of.

(SMT. RANJANA DESAI, J.)